

## SCHEDULE

Regulation 16(1)

### DECISIONS AGAINST WHICH NO APPEAL LIES

1. No appeal shall lie against a decision made by virtue of, or as a consequence of, any of the provisions in Part X (claims), Part XII (payments) and Part XIII (overpayments) of the Housing Benefit Regulations except a decision under—

- (a) regulations 72(5), (11), (15)(1), 72A(1)(2), 72B(1) and (4)(3) (date of claim);
- (b) regulation 91(3) (adjustments to payments to take account of underpayment or overpayment on account of rent allowance);
- (c) regulation 93(4) (circumstances in which payment is to be made to a landlord);
- (d) regulation 94(5) (circumstances in which payment may be made to a landlord);
- (e) regulation 99(6) (recoverable overpayments);
- (f) regulation 101 (person from whom recovery may be sought);
- (g) regulation 103 (diminution of capital); or
- (h) regulation 104 (sums to be deducted in calculating recoverable overpayments).

2. No appeal shall lie against a decision made by virtue of, or as a consequence of, any of the provisions in Part VIII (claims), Part X (awards or payments of benefit) and Part XI (excess benefit) of the Council Tax Benefit Regulations except a decision under—

- (a) regulations 62(5), (10), (11), (12) and (16)(7) and 62A(1)(8), 62B(1) and (4)(9) (date of claim);
- (b) regulation 84(10) (recoverable excess benefit);
- (c) regulation 86 (person from whom recovery may be sought);
- (d) regulation 89 (diminution of capital); or
- (e) regulation 90 (sums to be deducted in calculating recoverable excess benefit).

3. Subject to paragraphs 1(f) and 2(c), no appeal shall lie against a decision as to the exercise of discretion to recover an overpayment of housing benefit or, as the case may be, excess council tax benefit.

4. No appeal shall lie against a decision of a relevant authority under paragraph 16(3)(a) or (b) and (4) of Schedule 7 to the Act (decisions involving issues that arise on appeal in other cases).

5. No appeal shall lie against a decision under Part III of these Regulations of a relevant authority relating to—

- (a) suspension of a payment of benefit or of a reduction; or
- (b) restoration following a suspension of payment of benefit or of a reduction,

except a decision that entitlement to benefit is terminated under regulation 14.

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(1) Regulation 72(5) was amended by S.I. 1990/671, 1991/235 and 1599, 1996/1510 and 1999/1539 and regulation 72(15) was amended by S.I. 1996/462.

(2) Regulation 72A was inserted by S.I. 1999/1539.

(3) Regulation 72B was substituted by S.I. 2000/897.

(4) Regulation 93 was amended by S.I. 1990/546, 1992/2432, 1996/1510, 1997/65 and 2434.

(5) Regulation 94 was amended by S.I. 1994/2137, 1996/965 and 1997/65 and 2434.

(6) Regulation 99 was amended by S.I. 1988/1843, 1991/235 and 1599, 1995/2986, 1997/65 and 1999/3108.

(7) Regulation 62(5) was amended by S.I. 1996/1510 and regulation 62(16) was amended by S.I. 1996/462.

(8) Regulation 62A was inserted by S.I. 1999/1539.

(9) Regulation 62B was substituted by S.I. 2000/897.

(10) Regulation 84 was amended by S.I. 1995/2986, 1997/65 and 1999/3108.

***Draft Legislation:*** *This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 No. 1002*